

## PLANNING BOARD STAFF REPORT

**DATE:** July 11, 2011

**TO:** HONORABLE PRESIDENT AND MEMBERS OF THE  
PLANNING BOARD

**FROM:** Margaret Kavanaugh-Lynch,  
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**APPLICATION:** PLN08-0479 – 1051 Pacific Marina  
Review of Compliance with Conditions of  
Approval.

**ZONING DISTRICT:** MX, Mixed Use Planned Development District

**GENERAL PLAN:** Community Commercial

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### **BACKGROUND**

Pursuant to Section 30.21.3, Use Permits may include conditions that are created to ensure a particular use is compatible with its neighborhood. On August 24, 2009, the Planning Board approved a Use Permit to allow a banquet and catering facility to be operated within a portion of an existing building at 1051 Pacific Marina (Parcel F of the Marine Village Master Plan). The Marina Village Master Plan area contains approximately 206 acres and is located on the site of the former Bethlehem Shipyard. Within the subject parcel there are a variety of uses in proximity to the subject building including a motel, marina, a multi-family residential building and two yacht clubs. These businesses share most of common parking spaces in the lots located at the middle and edges of Parcel F. Access to these parking spaces is by way of Triumph Drive, which connects to Independence and Atlantic Avenues. Land uses surrounding Parcel F include office, retail, and service businesses in addition to residential units. Originally, this building was approved as restaurant and brew pub. The floor plan includes a kitchen, seating and assembly space within the building, as well as outdoor patio space.

One of the Conditions of Approval from the August report stated:

**22. This Conditional Use Permit PLN08-0479 will be reviewed by the Alameda Planning Board every six months for a period of one year from the date of approval.**

Unfortunately, this was not completed in a timely manner. This is the first time the entitlement has been brought before the Planning Board since its approval. In the interim period, an event operator began to use the property to host a few events (weddings, etc). One of the neighbors became concerned and contacted the city staff to highlight the lack of compliance of the required conditions. Staff met with the tenant, the concerned neighbor, and contacted the Alameda County Health Department in an effort to bring the project into compliance. However, on June 29<sup>th</sup>, the property owner contacted staff and informed them that the tenant is no longer affiliated with the event center. He was concerned that the tenant may have not been a good neighbor to the surrounding residents and clarified his commitment to meeting all conditions of approval.

Currently, the banquet and catering facility is not in operation and therefore there are no compliance issues associated with the site. The conditions of approval associated with the use permit for the site are included in this report as Attachment 1 for reference purposes.

### **ENVIRONMENTAL REVIEW**

This report does not constitute a project pursuant to CEQA, therefore no environmental review is required.

### **PUBLIC NOTICE**

A notice for this hearing was mailed to property owners and residents within 300 feet of this site, published in the Alameda Journal and posted at the subject property. Staff noted that a condition actually required a 500 feet public notice, and extended the noticing an additional 200 feet on June 28, 2011. This thirteen day time period exceeds state noticing requirements. Staff has received one phone call from a nearby resident in support of the use as approved in 2009.

### **RECOMMENDATION**

Staff recommends that the Planning Board review and accept the report. As this agenda item was noticed as a public hearing, the members of the Board may add, remove or alter any condition as they consider appropriate.

RESPECTFULLY SUBMITTED BY:

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Margaret Kavanaugh-Lynch  
PLANNING SERVICES MANAGER

Attachment(s):

1. Resolution PB 09-16 - Conditions of Approval dated August 24, 2009.
2. Notice of Public Hearing
3. Public Comment